

File
DEP & REF
DIVISION 307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian D. FOLLSTAD

Docket No. 3374-A 2004 NOV 10 PM 12:42

Serial No.: 10/620,064

Group Art Unit No.: 1645

Filed: July 15, 2003

Examiner: Unknown

For: METHODS AND MEDIA FOR CONTROLLING SIALYLATION
OF PROTEINS PRODUCED BY MAMMALIAN CELLS



Renewed Petition under 37 CFR § 1.182

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Paul Shanoski

Dear Mr. Shanoski,

Applicant is writing in response to a dismissal of a petition under 37 CFR § 1.1.82 in the above-referenced case mailed September 9, 2004. In that mailing, Mr. Shanoski has informed Applicant that the required showing for grant of the petition includes two elements: (1) a copy of the docket record where the nonreceived Office communication would have been entered had it been received; and (2) a statement from the practitioner attesting that the Office communication was not received and that a search of the file jacket and docket records indicates that the Office communication was not received. Although Applicant supplied the first element in the form of a mail log of all mail received from the PTO, the required statement from the practitioner was not included, and the petition was therefore denied.

To remedy this defect, I attest that I did not receive the Notice to File Missing Parts (which was dated October 17, 2003) prior to February 3, 2004, when the missing Notice was faxed to my assistant by the Office in response to a status inquiry. Further, I attest that I did search the file jacket and the mail log records, and both indicated that the Notice to File Missing Parts was not received prior to February 3, 2004. I therefore request the refund of the two month extension fee (\$420) that was necessary to respond to the Notice in a timely fashion to Applicant's Deposit Account No. 09-0089.

Adjustment Date: 01/04/2005 AXELLEY
02/23/2004 YPOLITE1 00000095 090089 10620064
02 FC:1252 420.00 CR

CERTIFICATE OF MAILING

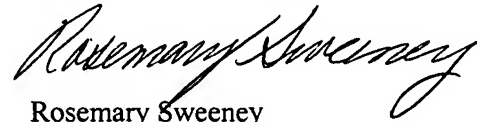
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

NOV 4, 2004
Date

DeDe Linde
Signature

Please contact me at the direct dial telephone number below if further information is needed.
Thank you for your time and attention.

Respectfully submitted,

A handwritten signature in cursive script, reading "Rosemary Sweeney".

Rosemary Sweeney
Attorney for Applicant
Registration No.: 52,264
Phone: (206) 265-7817
Date: November 4, 2004

Please send all future correspondence to:
Immunex Corporation
Law Department
1201 Amgen Court West
Seattle, Washington 98119
(206) 265-7000